

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* DC
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THOMAS W GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

ANTHONY D. CUTTLE, X
X
Petitioner, X
X
vs. X No. 05-2144-D/V
X
DAVID MILLS, X
X
Respondent. X
X

ORDER DIRECTING CLERK TO MAIL MAY 12, 2005 ORDER TO RESPONDENT
AND
SECOND ORDER FOR RESPONDENT TO FILE RECORD AND TO RESPOND

Petitioner Anthony D. Cuttle, Tennessee Department of Correction prisoner number 136832, an inmate at the West Tennessee State Penitentiary in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254 on February 23, 2005 and paid the habeas filing fee. The Court issued an order on May 12, 2005 ordering the respondent file the state-court record, and a written response to the petition, within twenty-three (23) days. The order further provided as follows:

It is further ORDERED, pursuant to Rule 4, that the Clerk shall send a copy of the petition and this order to David Mills and the Tennessee Attorney General and Reporter by certified mail.

05/12/05 Order at 2. The Clerk has, inexplicably, failed to send copies of the petition and order to the respondent and the



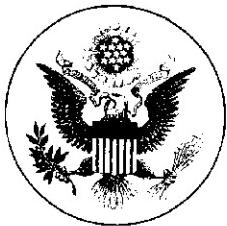
Tennessee Attorney General and Report and, as a result, the respondent is apparently entirely unaware of his obligation to respond to the petition.

The Clerk is ORDERED, forthwith, to mail copies of the petition, the May 12, 2005 order, and this order to David Mills and the Tennessee Attorney General and Reporter by certified mail. The due date for the response is extended until twenty-three (23) days after the date of entry of this order.

IT IS SO ORDERED this 27 day of October, 2005.



BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02144 was distributed by fax, mail, or direct printing on October 28, 2005 to the parties listed.

Anthony D. Cuttle
WEST TENNESSEE STATE PENITENTIARY
136832
P.O. Box 1150
Henning, TN 38041

Honorable Bernice Donald
US DISTRICT COURT